

MINUTES
UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING
Southeastern Utah District Health Department
Price, Utah

June 10, 2004

Board Members Present: Judy Lever (Chair), Craig Anderson (Vice Chair), Michael Brehm, Carlton Christensen, David Cunningham, John Newman, Dianne Nielson, Cullen Battle via conference call.

Staff Members Present: Dennis Downs (Executive Secretary), Ralph Bohn, Otis Willoughby, Allan Moore, Rusty Lundberg.

Others Present: Dan Shrum, Kory Coleman, Jim Marrs, Richard Rathbun, Kirk Treece, Darin Olson.

- I. The meeting was called to order at 1:35 p.m. Judy Lever thanked David Cunningham for hosting the meeting in Price, Utah. (The Board members toured the Solitude Landfill Site in Green River and the East Carbon Development Corporation (ECDC) Landfill in conjunction with the Board Meeting.)
- II. It was motioned by John Newman and seconded by Carlton Christensen and unanimously carried that the May 13, 2004, Board Meeting minutes be approved with the following corrections: Page 3, 1st paragraph, 9th sentence to read: It was stated by Ms. Lever that the consensus of the board is that the concept for the loans is good, but that they are concerned as we are on unsure ground, and that there is potential for abuse, (The remainder of the sentence deleted); Page 2, 2nd paragraph, 2nd sentence correction: The citation is Utah Code Annotated ~~715-1-2B~~ 7-15-1(2)(b).

III. Underground Storage Tanks

The UST Statistical Summary was provided to the Board members in their packet. (Brad Johnson was absent from the meeting and Board members were instructed to contact Mr. Johnson directly if they had any questions regarding the information provided.)

IV. Stipulation and Consent Order – TW Company (Board Action Item)

This was an Action Item before the Board regarding a Stipulation and Consent Order between TW Company and the Board to resolve a Notice of Violation issued to TW Company on February 10, 2004. This violation was for storage of hazardous waste greater than the allowed 10-day period by a transporter. (Transfer facilities can store hazardous waste, in transit, not to exceed 10 days.) The waste was stored for approximately 80 days. The penalty negotiated amount was for \$4,160. The hazardous waste has been shipped off site to an approved hazardous waste management facility.

The public comment period began on May 10, 2004 and ended on June 9, 2004, no comments were received.

It was motioned by Carlton Christensen and seconded by John Newman, and unanimously carried that the proposed Stipulation and Consent Order between TW Company and the Board to resolve the Notice of Violation issued to TW Company be approved.

V. Commercial/Federal Facilities

Cullen Battle recused himself from this matter.

- A. Envirocare request for a site-specific treatment variance for waste code D009 (High Mercury – Subcategory Inorganic) (Board Action Item)

Envirocare has submitted a request for a one-time site-specific treatment variance. The variance request seeks authorization to stabilize a waste stream that carries waste code D009 (High Mercury – Subcategory Inorganic). The treated waste is then proposed to be disposed in their Mixed Waste Landfill Cell. The waste consists of about 20 cubic feet of Dept. of Energy legacy waste in several small containers.

The treatment for this waste (D009) is RMERC. The RMERC process generates a secondary waste stream. The secondary waste stream from the RMERC process (when greater than 260 mg/kg mercury) is required to be further stabilized to a level of .2 mg/L based on the toxicity characteristic leaching procedure.

Envirocare is proposing this treatment due to the mixed waste nature of the waste stream, i.e., hazardous waste with a radioactive component. The intent of RMERC is to recover elemental mercury. A secondary waste stream is also produced that requires stabilization prior to disposal. The hardship for this case is that radioactive mercury cannot be recycled. The U.S. EPA has issued a Determination of Equivalent Treatment (DET) for such High Mercury Subcategory wastes. In its determination, the U.S. EPA concluded that for wastes that contain mercury and are radioactive, and RMERC may not be appropriate and that alternative treatment processes should be pursued.

Envirocare is proposing to stabilize the waste to a level below 0.2 mg/L, based on the TCLP method. This would satisfy the high mercury subcategory requirement. In addition, LDR compliance will be met for all other waste codes associated with the waste prior to disposal.

The public comment period began on May 6, 2004 and ended on June 7, 2004. No comments were received. A public hearing was held on May 18, 2004, no comments were received.

It was motioned by John Newman and seconded by Carlton Christensen and unanimously carried that Envirocare's request for a site-specific treatment variance for waste code D009 be approved.

- B. Envirocare request for a site-specific treatment variance for waste code U213 (Tetrahydrofuran) (Board Action Item)

Cullen Battle recused himself from this matter.

Envirocare has submitted a request for a one-time site-specific treatment variance. The variance request seeks authorization to directly dispose of a waste stream that carries waste code U213 (tetrahydrofuran) without further treatment for that code. This waste consists of approximately 90 cubic feet of dried sludge from a liquid waste treatment system.

Envirocare had previously received approval by the Board to dispose of the tank itself and the auxiliary equipment that carried the waste code. The waste stream comes from a stabilization and deactivation process. Small amounts of the reactive compound tetrahydrofuran were used in the process. In the process of stabilization and deactivation, liquids were discharged from the generator's process building to the liquid waste treatment system. Under the "derived-from Rule," listed codes apply to secondary waste streams as well. However, tetrahydrofuran is not expected to be present in the waste.

The treatment standard for U213 is CMBST (typically incineration). Analytical data for U213 are not available in the waste stream due to the difficulty in analyzing for tetrahydrofuran. However, surrogate compounds were analyzed and found to have non-detectable levels.

Envirocare plans to dispose of this waste in its Mixed Waste Landfill Cell.

At a prior meeting, Jason Groenewold, had requested information regarding tetrahydrofuran and its hazards. Dan Shrum, Envirocare Representative, provided the requested information on tetrahydrofuran. (A handout regarding tetrahydrofuran (uses, ecological, and toxicological) was discussed and will be included in the meeting minutes.) Mr. Shrum also stated that tetrahydrofuran is not present in the waste (derived-from rule).

The public comment period began on May 6, 2004 and ended on June 7, 2004, no comments were received. A public hearing was held on May 18, 2004, no comments were received.

It was motioned by Carlton Christensen and seconded by Michael Brehm, and unanimously carried that Envirocare's request for a site-specific treatment variance for waste code U213 (Tetrahydrofuran) be approved.

VI. Chemical Demilitarization - TOCDF Update

A handout (Executive Summary, Chem Demil Update, TOCDF Progress) was provided to the Board on the status of the VX agent campaign. All of the M55 (VX) rockets and ton containers have been destroyed. The remainder of the VX stockpile includes projectiles, which are currently being processed, 862 spray tanks, and 22,690 mines. The total number of VX agent is 1,412.7 Tons, and to date, 564.9 Tons has been destroyed. It is anticipated that the VX agent processing will be completed early next year. When the VX agent is completed, the Army will do a changeover, and begin processing the mustard.

Also, distributed to the Board were two letters regarding TOCDF management and operation issues. At a previous Board meeting, Jason Groenewold had comments concerning the Army's letter to EG&G regarding their management practices. Dale Ormand, Department of the Army, responded to Mr. Groenewold's concerns and referenced a letter that EG&G had sent back to the Army responding to their concerns. At that time, Board members did not have the letters referenced. Therefore, the referenced letters are being provided to the Board members. The letters are the March 22, 2004 letter from Stephen Frankiewicz, EG&G General Manager, to Janice Ward, Army Administrative Contracting Officer, Subject: Response to Letter of Concern, and a letter dated April 5, 2004, letter from Stephen Frankiewicz, EG&G General Manager, to Janice Wards, Army Administrative Contracting Officer, Subject: Response to Letter of Concern.

Dennis Downs stated that if the Board members would like additional information after reviewing the letters, the Army would be available during a future Board meeting to address any questions or concerns. Board members questioned if any of EG&G proposals would require a change in the permit issued to the Army? Dennis Downs stated that the EG&G proposals are internal and would not require permit changes or change the Division's regulatory role at this facility.

VII. Other Business

A. Kent Pilling – Request to make brief comments regarding ECDC

Dennis Downs stated that the Division is currently reviewing a permit modification request from ECDC that would modify the existing permit relative to the liner system at the ECDC Landfill. A public comment period has taken place. Also, a public hearing was held, and Division staff are currently reviewing the public comments received relative to permit modification request. At this time, no decision has been made on the permit modification request. Mr. Pilling has submitted written comments to the Division and has also given comments at the public hearing.

Kent Pilling, Administrator for Woodrow and Erma Pilling Family Estate, resident of Emery County, thanked Dennis Downs for the opportunity to address the Board. Mr. Pilling addressed concerns regarding the ECDC Landfill. The concerns included:

In ECDC's 1989 approved plan, the water that supplies the springs in this area is described as a perched water table but of very small quantity. This was a misleading statement. The springs in this area will produce over 2½

second feet of water or 5 acre feet of water a day during a normal year. This water is used as culinary, livestock, irrigation, industrial, and wildlife water, and it supports an ecosystem. How can this water ever be replaced when it is destroyed?

ECDC's, 1989 original proposal was for ash, (from incinerated), non-hazardous waste. ECDC's 1990 approved permit should be their law. ECDC should not be granted permit modifications.

Concerns that ECDC allows garbage to be scattered for miles were addressed. Also, concerns with ECDC's inability to control the unbearable odors emitting from the site were addressed. Apparently, ECDC has a permit modification that does not require them to cover their garbage.

Mr. Pilling stated concerns from an Internet advertisement, entitled "Waste By Rail", which is an affiliate of ECDC. This ad stated, "That by adding cement based regiments to thousands of tons of hazardous waste, they were able to have it reclassified as non-hazardous waste."

Concerns regarding Bracket Trail Reservoir were addressed, as it is located above ECDC's Landfill and is rated as high risk by Utah. When the dam fails, the city officials have an evacuation plan, but how do you evacuate the world's largest garbage dump. Who is responsible for cleaning up the mess if it can be cleaned up?

The Big Springs Ranch has been described as not having any historical or ecological significance. (Mr. Pilling does not agree with this statement and stated that the ranch dates back to the 1800's).

Mr. Pilling requested that the Board members read ECDC's 1989 permit application, ECDC's 1990 approved plan, and the approved modifications since 1990.

In a waste-by-rail advertisement, to attract customers, there is a detailed description of ECDC's liner arrangements, including the underlying stratus immediately below the final liner that is described as six inches of filler material and 1,500 feet of shale. A very important component to the underlying stratus was left out of this ad. The water bearing gravel that provides the water supply to the springs in this area was left out of the ad.

Mr. Pilling recommended a qualified, non-bias, third party review of all of ECDC's permit modifications be conducted.

Mr. Pilling is requesting that DSHW rotate inspectors at ECDC and that their arrivals for inspections be without prior notification. Mr. Pilling is also requesting that the Board require an environmental impact study be done on the ECDC Landfill by a qualified, non-bias, third party individual and that ECDC be required to pay the costs of this study. Mr. Pilling also requested that the environmental impact study be made public.

Mr. Downs stated that a response to Mr. Pilling comments will be prepared by Division staff and a copy of the response will be given to the Board.

Board members asked if the scattered garbage consists of blowing material. Mr. Pilling answered yes. Board members inquired if Mr. Pilling had considered addressing some of his concerns with other state agencies that are involved with his concerns, such as water quality issues, etc. Mr. Pilling stated that he has had contact with other state agencies on these issues.

Mr. Olsen, Environmental Manager at ECDC, explained the procedures for daily coverage of garbage at ECDC. Mr. Olsen also stated that ECDC has had the opportunity to address many of the concerns that have been addressed with the Division and will provide information as needed, etc.

Judy Lever clarified that the Board will not be acting on this proposal. This proposal is handled by the Division staff and the Executive Secretary. Any party who wishes to appeal the Executive Secretary's decision would bring it to the Board on an appeal.

Dennis Downs clarified that the permit modification does not require an environmental impact study be conducted, nor does the Division have the authority to require ECDC to implement an environmental impact study.

B. Sue Krichlow

Sue Krichlow, Resident of Carbon County, stated that 125 waste tires were illegally dumped on their property. Dennis Downs recommended that David Cunningham and Ralph Bohn, Manager, Solid Waste Section, DSHW, be contacted to assist in this matter.

C. Performance Audit

The Performance Audit of the Department of Environmental Quality's Commercial Waste Facility Oversight was distributed to the Board members.

D. Election of Board Chairperson and Vice Chairperson

Carlton Christensen nominated Craig Anderson as the Chairmen and John Newman as Vice-Chair. (No other nominations were made.) Mr. Christensen commented that he felt his nomination offered a dignified but healthy way of rotation amongst the chairmanship, as frequently in a body of capable individuals, numerous individuals have the capacity to preside.

It was motioned by Dianne Nielson and seconded by Mike Brehm, and unanimously approved by acclamation that Craig Anderson serve as the new Chairmen for the Solid and Hazardous Waste Control Board and John Newman serve as the new Vice-Chair for the upcoming year.

E. Other Business

The Board expressed appreciation to David Cunningham for his willingness to host the meeting.

The July 8, 2004, Utah Solid and Hazardous Waste Control Board meeting was cancelled.

The next Board meeting has been scheduled for 1:00 p.m., August 12, 2004, at the Department of Environmental Quality (Conference Room 101), 168 North 1950 West (Bldg. #2), SLC, Utah.

The meeting adjourned at 2:35 p.m.